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Report and Recommendation (#200) entered on August 23, 2013, should be adopted and accepted. IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#200) entered on August 23, 2013, is adopted and accepted, and Plaintiff's Partial Motion for Summary Judgment (#161) is **DENIED**. Eldihi IT IS SO ORDERED. DATED this 25th day of September, 2013. LARRY R. HICKS UNITED STATES DISTRICT JUDGE